

**Before the  
Federal Communications Commission**

**PETITION FOR RECONSIDERATION**

SPRING COVE SCHOOL DISTRICT

File Nos. SLD-735147, *et al.*

Schools and Libraries Universal Service  
Support Mechanism

CC Docket No. 02-6

ORDER, DA 11-1240

Spring Cove School District files this Petition for Reconsideration of the Order, DA 11-1240, of July 27, 2011.

**BASES OF PETITION FOR RECONSIDERATION:**

- I. ABUSE OF DISCRETION IN NOT RULING ON MOTION FOR DECLARATORY JUDGMENT PURSUANT TO FCC RULES
- II. ERROR IN CONVERTING MOTION FOR DECLARATORY JUDGMENT MOTION TO AN APPEAL

**I. DECLARATORY JUDGMENT PURSUANT TO FCC RULES**

The Bureau's decision to "reclassify" Applicant's Petition for Declaratory Judgment is not supported by any enforceable Commission rule, order, or binding legal obligation. 47 C.F.R. § 1.2 *Declaratory rulings.*

**§1.2 States:**

The Commission may, in accordance with \*\*\*the Administrative Procedure Act, on motion \*\*\* issue a declaratory ruling terminating a controversy or removing uncertainty. [Emphases added]

Since the Applicant filed a Petition for Declaratory Judgment and under the FCC's own rules, the Applicant is entitled to be heard on its Motion for Declaratory Judgment.

## **FACTS**

On July 7, 2010, Spring Cove School District (Spring Cove) received a Demand Payment Letter for Funding Year 2006 for FRN 1620884, Web Hosting. Exhibit A; separately on July 7, 2010, Spring Cove School District received a Demand Payment Letter for Funding Year 2007 for FRN 1468963, Web Hosting. Exhibit B

On February 26, 2009, Spring Cove filed an appeal to the FCC of FRN 1719267 Web Hosting. Exhibit C; on June 30, 2009, Spring Cove filed an appeal the FCC of FRN 1833471 Web Hosting. Exhibit D

The FCC's *2006 Eligible Services* List for Web Hosting provides, *inter alia*, that:

Web Hosting services that provide a means for a school or library to display content on the Internet is eligible for discount. However, eligibility is limited to the hosting service only, and not the creation or modification of content, which is not eligible.

[http://www.e-ratecentral.com/FCC/eslArchive/ESL\\_2006.pdf](http://www.e-ratecentral.com/FCC/eslArchive/ESL_2006.pdf)

The FCC's *2007 Eligible Services* List for Web Hosting provides, *inter alia*, that:

A web hosting service that provides a means for a school or library to display content on the Internet is eligible.

Domain name registration necessary for the creation of a school or library website is eligible for discount.

Funding is limited strictly to the eligible web hosting function. Some web hosting services may include ineligible features, such as software applications and content editing features. Funding will not be provided for such features. Any cost allocation must be based on tangible information that provides a reasonable and appropriate delineation between the eligible and ineligible components.

[http://www.e-ratecentral.com/FCC/eslArchive/ESL\\_2007.pdf](http://www.e-ratecentral.com/FCC/eslArchive/ESL_2007.pdf)

## **ISSUE**

Contrary to the FCC's Eligible Services List for both Funding Years 2006 and 2007, which makes Web Hosting eligible for USF Support, the USAC has issued Demand Letters in Funding Year 2006 for FRN 1620884, and Funding Year 2007 for FRN 1468963.

Spring Cove's claim is that if payments are made pursuant to the Demand Letters, Spring Cove will be without a remedy. Requiring Spring Cove to make payments is unlawful and unreasonable because Spring Cove will have no way of recouping those payments from the USAC for a service that is by law eligible for discounts.

While §1.2 is permissive ["may"], there is still a controversy, based on the facts, to be resolved. Converting the Motion to an appeal does not resolve the issue; it only makes for simple resolution. The issue was created by the Eligible Services List and its interpretation by the USAC.

## II. RIGHT TO APPEAL PURSUANT TO 47 C.F.R. § 54.720

On July 27, 2011, entered an Order by the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau denying Spring Cove's "motion"; although converted to an "appeal" in reality it was a Petition for Declaratory Judgment.

### **But if an appeal, it was timely.**

In DA 11-1240, Appendix B, the Bureau points out that Spring Cove's "Appeal" was filed on July 30, 2010. The Bureau ignores the fact that the USAC's "Demand Payment Letter" is dated July 7, 2010. Applicant had a right to Appeal the Demand Payment Letter. Exhibit A

The FCC's Rules for filing Appeals state:

§ 54.720 *Filing deadlines.*

- (a) An affected party requesting review of an Administrator decision by the Commission pursuant to §54.719(c), shall file such a request within sixty (60) days of the issuance of the decision by a division or Committee of the Board of the Administrator. [e-CFR Data is current as of July 27, 2011]

Section 54.720 of the Commission's rules provides parties with 60 days to appeal a decision by USAC. DA 11-533 The demand Letter is an USAC decision which is appealed by Applicant. § 54.720 does not say that "appeals" shall be filed only from a COMAD.

### **Conclusion**



Petitioner requests that the FCC grant Applicant's claim that no funds are owed to the USAC, whether designated a motion for declaratory relief or an appeal.

Respectfully submitted,

  
Nathaniel Hawthorne

District of Columbia Bar No. : 237693  
27600 Chagrin Blvd., Ste. 265  
Cleveland, OH 44122  
tel.: 216/514.4798  
e-mail: nhawthorne@telecomlawyer.net

Exhibit A



Universal Service Administrative Company

Schools & Libraries Division

Demand Payment Letter

( Funding Year 2006: July 1, 2006 - June 30, 2007 )

July 7, 2010

LINDA ALEXANDER

SPRING COVE SCHOOL DISTRICT

STE 260 - 27600 CHAGRIN BLVD

CLEVELAND, OH 44122 4449

Re: Form 471 Application Number:	527372
Funding Year:	2006
Applicant's Form Identifier:	SPRINGCOVEYR9#3
Billed Entity Number:	125609
FCC Registration Number:	0012839411
SPIN:	143025884
Service Provider Name:	SchoolNet, Inc.
Service Provider Contact Person:	Jerrie Gullick
Payment Due By:	8/6/2010

You were previously sent a Notification of Commitment Adjustment Letter informing you of the need to recover funds for the Funding Request Number(s) (FRNs) listed on the Funding Commitment Adjustment Report (Report) attached to the Notification of Commitment Adjustment Letter. A copy of that Report is attached to this letter.

The balance of this debt is due within 30 days from the date of this letter. Failure to pay the debt within 30 days from the date of this letter could result in interest, late payment fees, administrative charges, and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

If the Universal Service Administrative Company (USAC) has determined that both the applicant and the service provider are responsible for a Program rule violation, then, pursuant to the Order on Reconsideration and Fourth Report and Order (FCC 04-181), USAC will seek recovery of the improperly disbursed amount from BOTH parties and will continue to seek recovery until either or both parties have fully paid the debt. If USAC has determined that both the applicant and the service provider are responsible for a Program rule violation, this was indicated in the Funding Commitment Adjustment Explanation on the Funding Commitment Adjustment Report.

Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

If USAC is attempting to collect all or part of the debt from both the applicant and the service provider, then you should work with your service provider to determine who will be repaying the debt to avoid duplicate payment. Please note, however, that the debt is the responsibility of both the applicant and service provider. Therefore, you are responsible for ensuring that the debt is paid in a timely manner.

Please remit payment for the full "Funds to be Recovered from Applicant" amount shown in the Report. To ensure that your payment is properly credited, please include a copy of the Report with your check. Make your check payable to the Universal Service Administrative Company (USAC).

If sending payment by U. S. Postal Service or major courier service (e.g. Airborne, Federal Express, and UPS) please send check payments to:

Bank of America  
c/o Universal Service Administrative Company (105056)  
1075 Loop Road  
Atlanta, GA 30337  
Phone 404-209-6377

If you are located in the Atlanta area and use a local messenger rather than a major courier service, please address and deliver the package to:

Universal Service Administrative Company  
P.O. Box 105056  
Atlanta, GA 30348-5056  
Phone 404-209-6377

Local messenger service should deliver to the Lockbox Receiving Window at the above address.

Payment is due within 30 days from the date of this letter.

Complete Program information is posted to the SLD section of the USAC website at [www.usac.org/sl/](http://www.usac.org/sl/). You may also contact the SLD Client Service Bureau by email using the "Submit a Question" link on the SLD website, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Universal Service Administrative Company  
Schools and Libraries Division

cc: Jerrie Gullick  
SchoolNet, Inc.



Funding Commitment Adjustment Report  
Form 471 Application Number: 527372

Funding Request Number: 1468693  
Services Ordered: INTERNET ACCESS  
SPIN: 143025884  
Service Provider Name: SchoolNet, Inc.  
Contract Number: C  
Billing Account Number:  
Site Identifier: 125609  
Original Funding Commitment: \$4,872.00  
Commitment Adjustment Amount: \$4,872.00  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date: \$4,872.00  
Funds to be Recovered from Applicant: \$4,872.00

Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be reduced by \$4,872.00. During the course of review it was determined that funding was provided for the following ineligible items: licensing fees. The pre-discount cost associated with these items is \$8,400.00. At the applicants 58 percent discount rate this resulted in an improper commitment of \$4,872.00. FCC rules provide that funding may be approved only for eligible products and/or services. The USAC web site contains a list of eligible products and/or services. See the web site, [www.universalservice.org/sl/about/eligible-services-list.aspx](http://www.universalservice.org/sl/about/eligible-services-list.aspx) for the Eligible Services List. In this situation, the applicant made the certifications on the BEAR Form indicating that the services and/or equipment provided to the applicant were eligible for funding. On the BEAR Form, the authorized person certifies at Block 3, Item A that discount amounts for which reimbursement is sought represent charges for eligible services delivered to and used by eligible entities. Therefore, USAC has determined that the applicant is responsible for the rule violation. Accordingly, the commitment has been reduced by \$4,872.00 and if recovery is required USAC will seek recovery from the applicant.

PLEASE SEND A COPY OF THIS PAGE WITH YOUR  
CHECK TO ENSURE TIMELY PROCESSING

Exhibit B



Universal Service Administrative Company

Schools & Libraries Division

Demand Payment Letter

( Funding Year 2007: July 1, 2007 - June 30, 2008 )

July 7, 2010

LINDA ALEXANDER

SPRING COVE SCHOOL DISTRICT

STE 260 - 27600 CHAGRIN BLVD

CLEVELAND, OH 44122 4449

Re: Form 471 Application Number:	545881
Funding Year:	2007
Applicant's Form Identifier:	SPRINGCOVEYR10#3
Billed Entity Number:	125609
FCC Registration Number:	0012839411
SPIN:	143025884
Service Provider Name:	SchoolNet, Inc.
Service Provider Contact Person:	Jerrie Gullick
Payment Due By:	8/6/2010

You were previously sent a Notification of Commitment Adjustment Letter informing you of the need to recover funds for the Funding Request Number(s) (FRNs) listed on the Funding Commitment Adjustment Report (Report) attached to the Notification of Commitment Adjustment Letter. A copy of that Report is attached to this letter.

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If the Universal Service Administrative Company (USAC) has determined that both the applicant and the service provider are responsible for a Program rule violation, then, pursuant to the Order on Reconsideration and Fourth Report and Order (FCC 04-181), USAC will seek recovery of the improperly disbursed amount from BOTH parties and will continue to seek recovery until either or both parties have fully paid the debt. If USAC has determined that both the applicant and the service provider are responsible for a Program rule violation, this was indicated in the Funding Commitment Adjustment Explanation on the Funding Commitment Adjustment Report.

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1075 Loop Road  
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Phone 404-209-6377

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Payment is due within 30 days from the date of this letter.

Complete Program information is posted to the SLD section of the USAC website at [www.usac.org/sl/](http://www.usac.org/sl/). You may also contact the SLD Client Service Bureau by email using the "Submit a Question" link on the SLD website, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Universal Service Administrative Company  
Schools and Libraries Division

cc: Jerrie Gullick  
SchoolNet, Inc.



Funding Commitment Adjustment Report  
Form 471 Application Number: 545881

Funding Request Number: 1620884  
Services Ordered: INTERNET ACCESS  
SPIN: 143025884  
Service Provider Name: SchoolNet, Inc.  
Contract Number: C  
Billing Account Number:  
Site Identifier: 125609  
Original Funding Commitment: \$5,115.60  
Commitment Adjustment Amount: \$5,115.60  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date: \$5,115.60  
Funds to be Recovered from Applicant: \$5,115.60

Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be reduced by \$5,115.60. During the course of review it was determined that funding was provided for the following ineligible items: licensing fees. The pre-discount cost associated with these items is \$8,820.00. At the applicants 58 percent discount rate this resulted in an improper commitment of \$5,115.60. FCC rules provide that funding may be approved only for eligible products and/or services. The USAC web site contains a list of eligible products and/or services. See the web site, [www.universalservice.org/sl/about/eligible-services-list.aspx](http://www.universalservice.org/sl/about/eligible-services-list.aspx) for the Eligible Services List. In this situation, the applicant made the certifications on the BEAR Form indicating that the services and/or equipment provided to the applicant were eligible for funding. On the BEAR Form, the authorized person certifies at Block 3, Item A that discount amounts for which reimbursement is sought represent charges for eligible services delivered to and used by eligible entities. Therefore, USAC has determined that the applicant is responsible for the rule violation. Accordingly, the commitment has been reduced by \$5,115.60 and if recovery is required USAC will seek recovery from the applicant.

PLEASE SEND A COPY OF THIS PAGE WITH YOUR  
CHECK TO ENSURE TIMELY PROCESSING

## Exhibit C

**Nathaniel Hawthorne, Attorney/Consultant, Ltd.**  
tel: 216.514.4798, fax: 216.514.4865; fax: 216.472.8184; toll free 877.514-4795

Express Mail EB 748562415 US

Received & Inspected

FEB 26 2009

FCC Mail Room

February 25, 2009

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, S.W., Washington, D.C. 20554

RE: APPEAL Spring Cove School District / CC Docket No. 96 - 45; CC Docket No. 97 - 21

This is an appeal from a decision by the Schools and Libraries Division of the USAC.  
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.  
Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

Respectfully submitted,

  
Nathaniel Hawthorne

District of Columbia Bar No. : 237693  
27600 Chagrin Blvd., Ste. 265  
Cleveland, OH 44122  
tel.: 216/514.4798  
e-mail: nhawthorne@earthlink.net

Attorney for  
Spring Cove School District

Cc: Spring Cove School District

27600 Chagrin Blvd., Ste. 265, Cleveland Ohio 44122  
nhawthorne@telecomlawyer.com; www.telecomlawyer.com  
Admitted: District of Columbia, Ohio, Illinois

**Nathaniel Hawthorne, Attorney/Consultant, Ltd.**  
tel: 216.514.4798, fax: 216.514.4865; fax: 216.472.8184; toll free 877.514-4795

Express Mail EB 848536452 US

June 26, 2009

Received & Inspected

JUN 30 2009

FCC Mail Room

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, S.W., Washington, D.C. 20554

RE: APPEAL Spring Cove School District / CC Docket No. 96 - 45; CC Docket No.  
97 - 21

This is an appeal from a decision by the Schools and Libraries Division of the USAC.  
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Respectfully submitted,



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District of Columbia Bar No. : 237693  
27600 Chagrin Blvd., Ste. 265  
Cleveland, OH 44122  
tel.: 216/514.4798  
e-mail: nhawthorne@earthlink.net

Attorney for  
Spring Cove School District

27600 Chagrin Blvd., Ste. 265, Cleveland Ohio 44122  
nhawthorne@telecomlawyer.com; www.telecomlawyer.com  
Admitted: District of Columbia, Ohio, Illinois



**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of the	)	File No. SLD -
	)	
Appeal of the Decision of the	)	
	)	
Universal Service Administrator by	)	
the	)	
	)	
Spring Cove School District	)	
	)	
	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96 - 45
Universal Service	)	
Changes to the Board of Directors of	)	
The National Exchange Carrier	)	
Association, Inc.	)	CC Docket No. 97 - 21

Appeal  
Request for Expedited Relief

June 26, 2009

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, S.W., Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.  
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.  
Please time stamp the extra copy and return it to me in the enclosed self addressed-  
stamped envelope.

(1) Funding Commitment Decision Letter Appealed

Exhibit A

Form 471 Application Number:	671757
Funding Year 12:	07/01/2009-06/30/2010
BEN:	125609
Date of Funding Denial Notice:	May 27, 2009
<b>Date of Appeal:</b>	<b>June 25, 2009</b>

**(2) SLD Contact Information**

Linda Alexander  
Spring Cove School District  
Ste 260-27600 Chagrin Blvd.  
Cleveland Ohio 44122-4449  
Tel. (216) 514-3336  
Fax. (216) 514-3337

**(3) Funding Request Numbers Appealed**

FRN:1833471(web hosting)

**(4) USAC's Reason for Funding Denial**

Funding is denied because:

"30% or more of this FRN includes a request for School Net licensing fee which is an ineligible product(s)/service(s) based on program rules."

**(5) Law and Argument**

- a) The Applicant was asked to and did provide documentation that identified the actual product/service delivered. **Exhibit B**
- b) The Applicant was asked to and did provide the Contract and specified the product/service delivered. **Exhibit C**
- c) Applicants Web Hosting is eligible. Client Licenses are required to make the service work, and pursuant to FCC rules, the Eligible Services List, Client Licenses are eligible for USF funding.

**Exhibit D**

The FCC's Eligible Services List provides, *in relevant part*:

i) A web hosting service that provides a means for a school or library to display content on the Internet is eligible. Domain name registration necessary for the creation of a school or library website is eligible for discount. Funding is limited strictly to the following eligible web hosting functions:

- Provision of web site traffic (bandwidth)
  - Provision of disk space for storing applicant provided content
  - Provision of File Transfer Protocol (FTP) transfer or a Web interface to upload files
- [http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_112108.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_112108.pdf)

And,

i) Web Hosting provides a school or library website at an external location outside of the school's or library's premises. A website is a location (such as [www.schoolname.org](http://www.schoolname.org)) for World Wide Web content made available to those accessing the site.

[http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_112108.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_112108.pdf)

ii) Client Access Licenses  
(Software) A Client Access License is a software licensing approach used by some vendors that provides authorization to access a software product.

[http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_112108.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_112108.pdf)

#### **USAC denied the Application.**

(7) USAC's denial was unreasonable and contrary to the rules and regulations<sup>1</sup> of the Federal Communications Commission for the following reason:

Client Licenses for Web Hosting are clearly eligible for funding.

---

<sup>1</sup> See 47 C.F.R. § 54.522; also, section 54.522 requires the Commission to issue a public notice attaching the final ESL for the upcoming funding year at least 60 days prior to the opening of the funding window for the schools and libraries universal service program.

**Conclusion:**

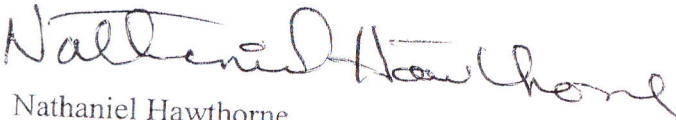
Based on the documentation provided by USAC to the Applicant, ALL charges should be granted.

Spring Cove is Requesting the Following Action by the FCC:

(a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN: 1833471

(b) Set aside funds to totally fund Spring Cove School District 's request.

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No. : 237693

27600 Chagrin Blvd., Ste. 265

Cleveland, OH 44122

tel.: 216/514.4798

e-mail: nhawthorne@earthlink.net

Attorney for  
Spring Cove School District

Cc: Spring Cove School District



Exhibit E

## FAX COVER SHEET

*LA*

To: Donna Barrett - PIA/Associate Manager  
Fax: 1.973.599.6582  
From: Linda Alexander  
Date: December 7, 2009  
Pages: 2 (Including Cover)  
RE: Spring Cove School District - Application #527372 (Yr 9)

### SLD REQUEST:

As we discussed in our conversation, the Program Compliance team is in the process of reviewing your Funding Year 2006 and 2007 Form 471 application(s) for schools and libraries discounts to ensure that it(they) is(are) in compliance with the rules of the Universal Service program. To complete my review, I need some additional information. The information needed to complete the review is listed below.

Based on review of the documentation that you have provided, USAC may need to rescind your funding commitment for FRNs 1468693 (2006) and 1620884 (2007) as required by program rules. The funding commitment may be rescinded for these FRN(s) and we will seek recovery of any disbursed funds from the applicant.

Ineligible Service / Item	Annual Pre-Discount Amount Committed	Discount	Annual Post-Discount Amount	Annual Post-Discount Amount Improperly Committed and/or Disbursed
FRN #1468693, FY 2006				
Licensing Fees	\$8,400.00	58%	\$4,872.00	\$4,872.00
FRN #1620884, FY 2007				
Licensing Fees	\$8,820.00	58%	\$5,115.60	\$5,115.60
Total	\$17,220.00		\$9,987.60	\$9,987.60

The total annual ineligible post-discount amount improperly committed and/or disbursed is \$9,987.60.

Please confirm that you agree with the commitment adjustment and recovery of any improperly disbursed funds determination. YES \_\_\_\_\_  
NO \_\_\_\_\_

If you disagree with our eligibility determination and you have alternative information, please provide third party supporting documentation (e.g., vendor bill, contract, service agreement, etc.).

If you fail to respond to this email within 15 days, we will perform the action(s) listed above.

→ **RESPONSE:**

No, we do not agree with the commitment adjustment and recovery of any improperly disbursed funds determination as this service is licensing for web hosting that provides a school websites at an external location outside of the schools' premises.

The websites are locations for World Wide Web content made available to those accessing the site.

This service is limited to the following eligible web hosting functions:

- Provision of web site traffic (bandwidth)
- Provision of disk space for storing applicant provided content
- Provision of File Transfer Protocol (FTP) transfer or a Web interface to upload files

Any additional questions, please do not hesitate to contact me.

Linda Alexander, email: [laalexander@epicinc.org](mailto:laalexander@epicinc.org)  
Tel: 216.682.0169 Fax: 216.514.3337

The information contained in this facsimile message may be confidential and /or legally privileged information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that copying, dissemination, or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile.

Exhibit D

**Nathaniel Hawthorne, Attorney/Consultant, Ltd.**  
tel: 216.514.4798, fax: 216.514.4865; fax: 216.472.8184; toll free 877.514-4795

Express Mail EB 848536452 US

June 26, 2009

Received & Inspected

JUN 30 2009

FCC Mail Room

Ms. Marlene H. Dortch  
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RE: APPEAL Spring Cove School District / CC Docket No. 96 - 45; CC Docket No.  
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Attorney for  
Spring Cove School District

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Admitted: District of Columbia, Ohio, Illinois



Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of the	)	File No. SLD -
	)	
Appeal of the Decision of the	)	
	)	
Universal Service Administrator by	)	
the	)	
	)	
Spring Cove School District	)	
	)	
	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96 - 45
Universal Service	)	
Changes to the Board of Directors of	)	
The National Exchange Carrier	)	
Association, Inc.	)	CC Docket No. 97 - 21

Appeal  
Request for Expedited Relief

June 26, 2009

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, S.W., Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.  
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.  
Please time stamp the extra copy and return it to me in the enclosed self addressed-  
stamped envelope.

(1) Funding Commitment Decision Letter Appealed

Exhibit A

Express Mail EB 848536452 US

Form 471 Application Number: 671757  
Funding Year 12: 07/01/2009-06/30/2010  
BEN: 125609  
Date of Funding Denial Notice: May 27, 2009  
**Date of Appeal: June 25, 2009**

**(2) SLD Contact Information**

Linda Alexander  
Spring Cove School District  
Ste 260-27600 Chagrin Blvd.  
Cleveland Ohio 44122-4449  
Tel. (216) 514-3336  
Fax. (216) 514-3337

**(3) Funding Request Numbers Appealed**

FRN:1833471(web hosting)

**(4) USAC's Reason for Funding Denial**

Funding is denied because:

"30% or more of this FRN includes a request for School Net licensing fee which is an ineligible product(s)/service(s) based on program rules."